UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	NAMED INVENTOR ATTORNEY DOCKET NO.	
10/572,378	03/16/2006	Kazuyoshi Koizumi	NIF-107 5660	
	7590 12/09/200 BERNER AND PARTN	EXAMINER		
1700 DIAGON.		RASHID, MAHBUBUR		
SUITE 310 ALEXANDRIA	A, VA 22314-2848	ART UNIT	PAPER NUMBER	
			3657	
			MAIL DATE	DELIVERY MODE
			12/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summers		Appl	ication No.	Applicant(s)				
		10/5	72,378	KOIZUMI ET AL.				
Office Action Summary			niner	Art Unit				
		MAH	BUBUR RASHID	3657				
Period fo	The MAILING DATE of this communion or Reply	cation appears o	on the cover sheet with the o	correspondence ad	idress			
WHIC - Exter after - If NC - Failu Any (	ORTENED STATUTORY PERIOD FO CHEVER IS LONGER, FROM THE MA Issions of time may be available under the provisions of SIX (6) MONTHS from the mailing date of this commu- period for reply is specified above, the maximum state to reply within the set or extended period for reply very reply received by the Office later than three months afted patent term adjustment. See 37 CFR 1.704(b).	AILING DATE Of 37 CFR 1.136(a). In inication. utory period will apply will, by statute, cause the state of the country of the	PF THIS COMMUNICATION In o event, however, may a reply be the and will expire SIX (6) MONTHS from the application to become ABANDONE	N. mely filed the mailing date of this o ED (35 U.S.C. § 133).	•			
Status								
1)⊠	Responsive to communication(s) filed	on 24 August	2009					
•	This action is <b>FINAL</b> . 2b) ☐ This action is non-final.							
3)	Since this application is in condition f	<i>′</i> —		osecution as to the	e merits is			
- /	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims							
4)🖂	Claim(s) 8-16 is/are pending in the ap	oplication.						
•	4a) Of the above claim(s) is/are withdrawn from consideration.							
	5) Claim(s) is/are allowed.							
6)🖂	6)⊠ Claim(s) <u>8-16</u> is/are rejected.							
· ·	Claim(s) is/are objected to.							
8)	Claim(s) are subject to restrict	ion and/or elect	ion requirement.					
Applicati	on Papers							
9)□	The specification is objected to by the	Examiner.						
•	The drawing(s) filed on is/are:		or b) ☐ objected to by the	Examiner.				
,—	Applicant may not request that any object	•						
	Replacement drawing sheet(s) including				FR 1.121(d).			
11)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority ι	ınder 35 U.S.C. § 119							
· .	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
	1. Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No							
	3. Copies of the certified copies of the priority documents have been received in this National Stage							
	application from the International Bureau (PCT Rule 17.2(a)).							
* \$	See the attached detailed Office action	for a list of the	certified copies not receive	ed.				
Attachmen			_					
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (P1	-O 049)	4) Interview Summary Paper No(s)/Mail D					
	e of Draftsperson's Patent Drawing Review (P1 nation Disclosure Statement(s) (PTO/SB/08)	U-940)	5) Notice of Informal F					
Paper No(s)/Mail Date 6) Other:								

#### **DETAILED ACTION**

# Response to Amendment

Claims 1-7 are canceled.

Claims 8, 11, 12 and 14 are amended.

Claims 15 and 16 are newly added.

# Claim Objections

Claim 8 is objected to because of the following informalities: it is not clear how the air movement passage connects two of the air retention portions as disclosed in line 17 of the claim. Appropriate correction is required.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

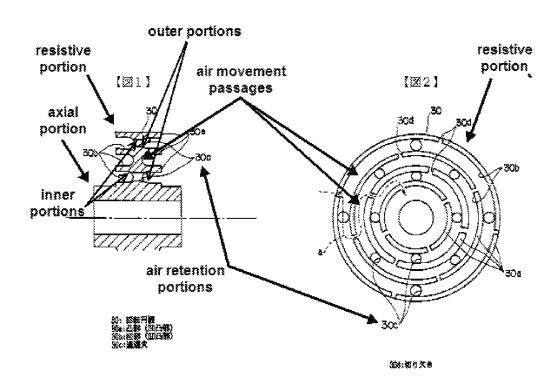
This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Application/Control Number: 10/572,378 Page 3

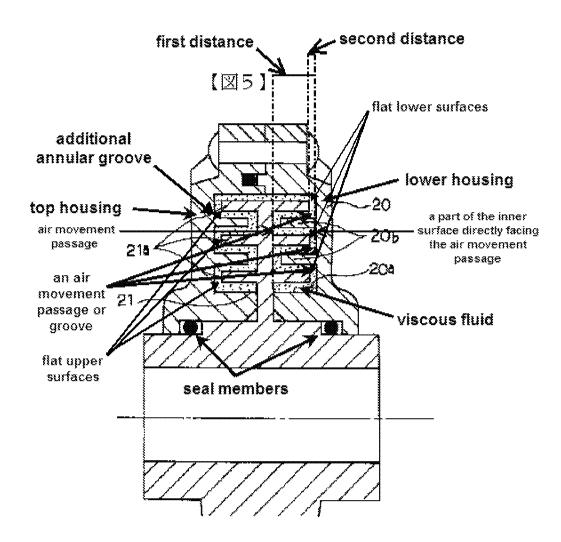
Art Unit: 3657

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ide Takanobu (JP 05-044760) in views of Sugasawara et al. (US 4,938,322).



Art Unit: 3657



Regarding **claims 8-16**, Takanobu discloses a rotary damper comprising:

- a housing (20);
- a viscous fluid housed inside the housing (see fig. 5);

Art Unit: 3657

a rotor (see fig. 1, (1)) disposed inside the housing and having an axial portion (21) projecting from the housing, and a circular resistive portion (30a) which moves through said viscous fluid inside said housing, said rotor (1) having a smooth outer periphery extending continuously without interruption (see figs. 1 and 2) and flat upper and lower surfaces without a projection (see 2<sup>nd</sup> figure above); and

a sealing member (see fig. 5, the top and bottom seals between 20 and 30) preventing said viscous fluid from leaking between said axial portion and said housing, and

wherein said resistive portion (30a) includes multiple air retention portions (30C) provided annularly and intermittently around the axial portion thereof, and the housing has air movement passage (see 2<sup>nd</sup> figure above) connecting two of the air retention portions.

Takanobu disclose all claimed elements as set forth above but fails to disclose the circumferential extension arc shape or an elongated through-bore of the air retention portion as claimed. However, Sugasawara discloses a damper device (figs. 5a-5d) with a rotor (6) having air retention portion extending circumferentially in an arc shape or the portion being formed by elongated through-bore (6c). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the disc of Takanobu with the arc shaped air retention portion or the portions being formed by elongated through-bore as taught by Sugasawara, because the arc shaped air retention portion being formed by elongated through-bore will accelerate the flow of viscous liquid to ensure a smooth movement of viscous liquid.

Applicant's arguments with respect to claims 8-16 have been considered but are moot in view of the new ground(s) of rejection.

Regarding flat upper and lower surfaces, JP '760 discloses flat upper and lower surfaces of the rotor without a projection and clearly shown in figs. 1 and 5 and the figures above.

Regarding the air movement passage, JP '760 discloses annular air movement passage (fig. 5 and figures above) that connects at least two of the air retention portions (30c) of the rotor.

#### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Application/Control Number: 10/572,378 Page 7

Art Unit: 3657

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHBUBUR RASHID whose telephone number is (571)272-7218. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/ Primary Examiner, Art Unit 3657

/M. R./ Examiner, Art Unit 3657